

CROWSON

VS

WASHINGTON COUNTY

BRETT LYMAN

April 16, 2018



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April 16, 2018

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2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

4 * * *

5 MARTIN CROWSON,)

6)

7 Plaintiff,)

8)

9) Case No. 2:15-cv-00880

10 vs.)

11)

12) Deposition of:

13 WASHINGTON COUNTY,)

14 et al.,)

15) BRETT LYMAN

16 Defendants.)

17) **COPY**

18 * * *

19 April 16, 2018

20 9:00 a.m.

21 WASHINGTON COUNTY TREASURER OFFICE
22 197 East Tabernacle Street
23 St. George, Utah

24 * * *

25 Linda Van Tassell
- Registered Diplomate Reporter -
Certified Realtime Reporter

April 16, 2018

	2		3
1	A P P E A R A N C E S	1	PROCEEDINGS
2	For the Plaintiff: Ryan J. Schriever	2	BRETT LYMAN,
3	SCHRIEVER LAW FIRM	3	called as a witness on behalf of the plaintiff,
4	51 East 800 North	4	being duly sworn, was examined and testified as
	Spanish Fork, Utah 84660	5	follows:
For the Defendant	Frank D. Mylar	6	EXAMINATION
Washington County:	MYLAR LAW, PC	7	BY MR. SCHRIEVER:
	2494 Bengal Boulevard	8	Q. Would you please state your full name
	Salt Lake City, Utah 84121	9	for the record.
For the Defendant	Gary T. Wight	10	A. Brett Armand Lyman.
Larrowe:	KIPP & CHRISTIAN	11	Q. Brett is with one T or two Ts?
	10 Exchange Place, 4th Floor	12	A. Two.
	Salt Lake City, Utah 84111	13	Q. And how do you spell Armand?
Also Present:	Brian Graf	14	A. A-r-m-a-n-d.
	* * *	15	Q. Where do you currently live?
	I N D E X	16	A. In Hurricane, Utah.
EXAMINATION		17	Q. What's your phone number?
By Mr. Schriever		18	A. (435) 632-8622.
By Mr. Wight		19	Q. Have you ever had a deposition taken
By Mr. Schriever		20	before?
		21	A. No.
		22	Q. Well, as you are aware, I believe, we're
		23	here in regard to a lawsuit involving a man named
		24	Martin Richard Crowson. Are you familiar him?
		25	A. Yes.
		4	
1	Q. The allegations here are that there were	1	that we're going to be here -- we've got about three
2	some things that happened regarding medical	2	hours set aside for this but I don't think it will
3	treatment that shouldn't have happened. Do you know	3	take that long but if you do need a break for any
4	the incident I'm referring to?	4	reason, let me know and we can do that.
5	A. After reading about it, yes.	5	A. Right.
6	Q. I'm going to get to that. A deposition	6	Q. Do you have any questions as to what a
7	is testimony under oath. There's obviously no judge	7	deposition is?
8	here today. This is called a discovery deposition.	8	A. No.
9	A. Right.	9	Q. Have you taken any medications that
10	Q. Which means I get to ask you questions	10	would impair your ability to understand questions
11	about the incident, about your memory of the event.	11	and answer appropriately?
12	The only thing I expect is that you'll give us	12	A. No.
13	truthful complete answers.	13	Q. Just to give you a road map of the
14	A. Right.	14	organization that I'm going to try to follow today,
15	Q. From time to time I may ask you a	15	although it may be loose because I may follow your
16	question that your counsel will object to. That is	16	train of thought from time to time as well, I just
17	usually for the purpose to make sure the objections	17	want to get some background information about who
18	are preserved later on so when we're in court he can	18	you are and kind of what your experience is.
19	argue that he did object.	19	A. Okay.
20	A. Right.	20	Q. Then I want to talk to you about the
21	Q. Most of the time you'll answer. If he	21	procedures and processes in place at Purgatory jail
22	doesn't want you to answer, he'll instruct you not	22	to the best of your knowledge and what you did there
23	to answer.	23	as a job.
24	A. Right.	24	A. Okay.
25	Q. It's not a marathon. I don't expect	25	Q. And then I want to speak with you

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1 go to our supervisor, explain what we saw. If we 2 had an idea of where to move them, we could suggest 3 that.		1 of the jail because it was lockdown. It wasn't -- I 2 don't know -- anyway.	
4 There were times when if you had inmates 5 that got in a fight, well of course they had to be 6 moved. If there was a medical emergency -- well, we 7 wouldn't have anything to do with moving somebody 8 like that. That would be the medical department.		3 Q. So let me try to get to what I 4 understand the difference between maximum security 5 as used to describe F block and lockdown as used to 6 describe A block.	
9 Q. Let me ask you a couple of followups 10 then. So let's just use the example of inmates who 11 got into a fight.		7 A. Right.	
12 A. Uh-huh.		8 Q. What's the difference?	
13 Q. What's the process then to have them 14 moved or separated? What do you have to do?		9 MR. MYLAR: And again objection. Lack 10 of foundation. Go ahead.	
15 A. Depending on the extent of the injuries, 16 but you would always have them checked out by 17 medical. Usually if there were two combatants you 18 would have them checked out by medical and they 19 would both go to A block for lockdown, pending a 20 hearing.		11 A. F block was intake. The inmates that 12 were able to go to general population but usually 13 there was no room to put them right into general 14 population, they waited in F block. A block, which 15 is lockdown, was punitive or they were waiting to 16 have a hearing pending -- they were there pending a 17 hearing.	
21 Q. Okay. So A block was lockdown?		18 Q. All right. So using my knowledge of old 19 movies, there's a term called solitary confinement.	
22 A. Yes.		20 A. Yes.	
23 Q. And did I misunderstand you earlier to 24 say F block was maximum security?		21 Q. You can tour Alcatraz and see where the 22 Birdman lived. Was A block like that, like solitary 23 confinement?	
25 A. Yes. That was what they called that end		24 MR. MYLAR: Objection. Lack of 25 foundation.	
	32		33
1 A. Impressions today, at least in our 2 facility, there was no such thing as solitary 3 confinement as a specific term. There were inmates 4 that refused to get along with other inmates and you 5 could call that solitary confinement but it was not 6 something that was used as a specific term.		1 A. Yes.	
7 Q. The term wasn't used.		2 Q. They might be alone at times. They 3 might have a bunkmate at other times.	
8 A. No.		4 A. Right.	
9 Q. Did A block have -- was it open between 10 the cells? Was there bars between the cells like 11 you see in the old western movies?		5 Q. Well, actually before we leave A, you 6 told us what the schedule was but I want to make 7 sure I'm clear. Were they allowed out of their 8 lockdown cells?	
12 A. No, no bars. There were doors. Each 13 door had a window in it.		9 A. Yes.	
14 Q. How big was the window?		10 Q. How often?	
15 MR. MYLAR: Objection. Lack of 16 foundation.		11 A. Well, you had different levels. There 12 was a level system for the inmates. In A block you 13 have level 1A, which is, I guess for lack of better 14 term, worst of the worst, depending on the charges 15 he was arrested on, behavior while he was in there, 16 and he did not -- those did not come out of their 17 cell without restraints on.	
17 Q. Well, if you know.		18 And then there was a level 1 and then 19 there were lockdown. Level 1s could come out seems 20 to me more than an hour a day if there was time but 21 the lockdowns came out I think an hour every day -- 22 every other day.	
18 A. I want to say maybe 5 inches by 16 19 inches.		23 Q. Okay. At least every other day?	
20 Q. And they would be in that room by 21 themselves.		24 A. Yeah.	
22 A. Yes. Well, not specifically. They were 23 two-man cells, so there was two bunks in there.		25 Q. And I'll ask you some specific questions	
24 Q. So just depending on how many inmates 25 were in that particular block then.			

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1 about Mr. Crowson here in a minute.		1 Q. And then you receive the trays back the	
2 A. Okay.		2 same way?	
3 Q. How often were the people in A block		3 A. In A block they had Styrofoam trays and	
4 observed by a correctional officer?		4 so when they came out they were required to clean	
5 A. Well, we were required to walk through		5 their cells. Sometime before the end of the day	
6 the sections at least once every hour and then if we		6 corrections staff would go in and collect all their	
7 had to go in there to conduct business, more than		7 garbage through their cuff port. We have a big	
8 once an hour. They are constantly being watched		8 garbage bag and they'd throw their garbage out.	
9 from the control room. A block especially a lot of		9 Q. They were Styrofoam trays?	
10 times would be listened to because they're yelling,		10 A. Yeah. The white Styrofoam trays that	
11 communicating to each other.		11 had a lid that folded over.	
12 Q. Okay. Did they go out for meals or were		12 Q. Okay. So everything was disposable?	
13 meals brought to them?		13 A. Yeah.	
14 A. Meals were brought to them in their		14 Q. Was that to avoid having a situation	
15 cells.		15 where they would have something they could use to	
16 Q. Was that done by correctional officers		16 create a weapon?	
17 or was there separate staff that did that?		17 A. Yes.	
18 A. No. Correctional officers would take		18 Q. Were they fed different food than the	
19 them in.		19 general population?	
20 Q. Was it the type of situation where it		20 A. No. Same food.	
21 was slid through the windows?		21 Q. What was a typical menu?	
22 A. There is a cuff port on the doors that		22 A. Depends on the supervisor of the	
23 is probably 4 inches by maybe 12 inches. There's a		23 kitchen. We had one guy out there that was buying a	
24 lock on it. You open that up and you slide the		24 lot of pre-prepared food. They had another guy that	
25 trays through that.		25 they would cook everything. There was a lot of	
	36		37
1 variety. I know at times there was probably a set		1 A. Yes.	
2 menu.		2 Q. Sink with running water?	
3 Q. Were they given fruit?		3 A. Yeah. It's all one unit.	
4 A. Yes.		4 Q. Anything else in there besides a bunk,	
5 Q. How often?		5 toilet and sink?	
6 A. At least once a day with breakfast,		6 A. There is a metal desktop that's embedded	
7 lunch or dinner. There was always fruit on one of		7 in the block wall and then there's a metal stool	
8 the trays.		8 that's into the concrete floor. There's two of	
9 Q. How were medications administered in A		9 those.	
10 block?		10 Q. Any drawers?	
11 A. The nurses would come down and they		11 A. No.	
12 would be escorted in by an officer and then they		12 Q. Closets?	
13 would go -- depending which inmates had medications		13 A. No.	
14 we would go from door to door to door and they would		14 Q. Were they allowed to take any personal	
15 be given their medications through the cuff door.		15 belongs into A block?	
16 Q. Okay. If an inmate was in A block,		16 A. At first, no, when they're locked down.	
17 would they have access to anyone other than a		17 But after they were -- well, I don't recall what the	
18 correctional officer or a nurse?		18 matrix was. I know that as a level 1, when you're	
19 A. What do you mean access?		19 not on lockdown status you're allowed minimal	
20 Q. Was there any possibility for a person		20 personal items, letters, pictures, not very much.	
21 who is either not a nurse or correctional officer to		21 But I don't recall the exact matrix for that.	
22 come in contact with them?		22 Q. And if you're on lockdown status, you're	
23 A. No.		23 not allowed any personal items at all then.	
24 Q. Did the cells in A block have a toilet		24 A. I don't believe so.	
25 with running water?		25 Q. Let's move back to F block for a minute.	

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1	A. Okay.	1	A. Generally when they were intoxicated,
2	Q. This is where people who came in for	2	under the influence of something.
3	intake, so the first place they were sent?	3	Q. Who would make the decision to put
4	A. Yes.	4	someone in detox?
5	Q. Did you mention there were detox cells	5	MR. MYLAR: Objection. Lack of
6	in F block as well?	6	foundation.
7	A. No.	7	A. Specifically I couldn't tell you.
8	Q. Where were detox cells?	8	Q. Could it be anyone on the floor?
9	A. In booking.	9	A. When somebody is under the influence of
10	Q. They were in booking.	10	something it would -- well, I could guess but I
11	A. Yes.	11	don't know if you want me to guess.
12	Q. Okay. And I thought F block and booking	12	Q. Well, I don't want you to guess.
13	were the same thing.	13	A. I worked out there long enough to know
14	A. No. F block -- in max control the	14	that medical would be involved.
15	sections were kind of pie-shaped with the control	15	Q. Okay.
16	room in the center so that's A, B, C, D, E and F.	16	A. Somehow, some way, as well as whoever is
17	Q. Okay. And then booking is separate from	17	supervising booking.
18	that.	18	Q. So as a correctional officer, if thought
19	A. Yes.	19	somebody was under the influence of something, would
20	Q. Were there specific cells that were	20	you report that to medical?
21	designated as detox cells?	21	A. Yes.
22	A. There was one that actually had that on	22	Q. And then you would allow medical to take
23	it, yes, in booking.	23	care of it or were there steps that you were also
24	Q. And when did inmates go to the detox	24	required to take as a correctional officer?
25	cell?	25	A. It depended on the day. Sometimes the
	40		41
1	nurses would come down to us and sometimes they	1	Q. Did you receive any training on how to
2	would have us bring the inmate to them.	2	recognize symptoms of alcohol withdrawal?
3	Q. How many correctional officers were on	3	A. I don't recall that.
4	duty at any given time?	4	Q. Do you know what the symptoms of alcohol
5	A. Eight, nine, ten, 13, 14, 15, 16, 17 --	5	withdrawal are?
6	I'm going to say somewhere between 15 and 19.	6	MR. MYLAR: Objection. Lacks
7	Q. Do you know how many nurses were on duty	7	foundation. Go ahead.
8	at any given time?	8	Q. This is a foundational question. You
9	A. No. One, as far as I know. I know that	9	can answer yes or no as to whether you know.
10	during the day there were more. I have no knowledge	10	A. No, not specifically.
11	of their schedule or access to it or anything.	11	Q. Do you know what the symptoms of drug
12	Q. Okay. For inmates who were in detox,	12	withdrawals are?
13	were they still under the observation of the	13	A. Not specifically, no.
14	correctional officers?	14	Q. And setting aside -- I'm not claiming
15	A. I believe so. They were not put in a	15	you're an expert in these things but do you
16	medical cell so, yes, I believe they were under the	16	generally have an idea what they are?
17	observation of a correctional officer.	17	A. No. Not -- a least for me, not
18	Q. Did you receive any training on how to	18	specifically.
19	recognize whether someone was under the influence of	19	Q. In your time at the prison, at the jail,
20	alcohol?	20	I guess -- do you call it a jail or prison?
21	A. No.	21	A. Jail.
22	Q. Did you receive any training as to how	22	Q. Jail?
23	to recognize whether someone was under the influence	23	A. Yeah.
24	of medications or drugs?	24	Q. During your time at the jail did you
25	A. I don't believe so.	25	ever recommend that an inmate be placed into the